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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 09/697,306 | 10/27/2000 | James F. McGuckin JR. | 10546/53003 | 4213 |
| 30636 | 7590 | 10/11/2006 | EXAMINER | |
| FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038 | | | DAWSON, GLENN K | |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 3731 |

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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|---------------------------------|-------------|---|---------------------|
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09-697-306

EXAMINER

ART UNIT PAPER

20060929

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Commissioner for Patents

Please see the attached communication.


Glenn K Dawson
Primary Examiner
Art Unit: 3731

The Board of Patent Appeals and Interferences affirmed the rejection(s) against independent claim(s) 36 and 44, but reversed all rejections against claims 39 and 45, respectively, dependent thereon. The independent claim(s) will be cancelled by the examiner in accordance with MPEP § 1214.06. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Failure to comply will result in cancellation of the dependent claims and the application will be allowed with claim(s) 49-51. Prosecution is otherwise closed.

The applicant did amend claim 44 to include all of the limitations from dependent claim 45, but since this amendment cannot be entered in part, and because claim 44 was not totally incorporated into claim 36, then the amendment cannot be entered.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn K. Dawson whose telephone number is 571-272-4694. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Glenn K Dawson
Primary Examiner
Art Unit 3731

Gkd
29 September 2006